

WEDNESDAY, FEBRUARY 3, 2010

FIFTY-SECOND LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Reverend Michael O'Bannon of First United Methodist Church in Murfreesboro, Tennessee, a guest of Senator Tracy.

PLEDGE OF ALLEGIANCE

Senator Tracy led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 28

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Gresham, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

COMMUNICATIONS

February 2, 2010

The Honorable Ron Ramsey
Lt. Governor & Speaker of the Senate
Suite 1, Legislative Plaza
Nashville, Tennessee 37243

Dear Ron,

This is to request that I be excused from the Senate Session on Wednesday, February 3, 2010, at 8:30 a.m., in order to attend a funeral back in Carter County, Tennessee.

I will return on that same day for Committee Meetings as assigned.

Thanks for your consideration.

Sincerely,

/s/ Rusty Crowe
State Senator

APPROVED: Lieutenant Governor
Ron Ramsey

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February 2, 2010

Hon. Ron Ramsey
Lt. Governor and Speaker of the Senate
One Legislative Plaza
Nashville, Tennessee 37243

Dear Governor Ramsey:

My doctor has advised that I need to further recuperate; therefore, I request that my absence from the Senate for February 3, 4 and 5 be excused. Thank you for your assistance in this matter.

Very truly yours,

/s/ Douglas Henry

APPROVED: Lieutenant Governor
Ron Ramsey

February 3, 2010

Lieutenant Governor Ron Ramsey
Suite One Legislative Plaza
Nashville, TN 37243

Dear Lieutenant Governor Ramsey:

I request that I be excused from Senate Session today due to an emergency related to two schools in my district.

Thank you for your consideration in this matter, and please feel free to contact my office with any concerns.

Sincerely,

Thelma M. Harper
Senator 19th District

APPROVED: Lieutenant Governor
Ron Ramsey

February 3, 2010

Lt. Governor Ramsey,

Please excuse me from Session on Wednesday, February 3, 2010, at 8:30 a.m. I will not be able to attend.

Sincerely,

/s/ Senator Doug Jackson

APPROVED: Lieutenant Governor
Ron Ramsey

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Joint Resolutions Nos. 623 and 626.

MCNALLY, Chairperson
February 2, 2010

The Speaker announced that he had referred Senate Joint Resolutions Nos. 623 and 626 to the Committee on Calendar.

ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Joint Resolution No. 705.

SOUTHERLAND, Chairperson
February 2, 2010

The Speaker announced that he had referred Senate Joint Resolution No. 705 to the Committee on Calendar.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1204, 2633 and 2846.

JOHNSON, Chairperson
February 2, 2010

The Speaker announced that he had referred Senate Bills Nos. 1204, 2633 and 2846 to the Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2417, 2613 and 2622; and Senate Resolutions Nos. 178, 179, 180 and 181.

BEAVERS, Chairperson
February 2, 2010

The Speaker announced that he had referred Senate Bills Nos. 2417, 2613 and 2622; and Senate Resolutions Nos. 178, 179, 180 and 181 to the Committee on Calendar.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 753 through 758** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 753 by Senator Jackson.
Memorials, Retirement -- Ron Fox.

Senate Joint Resolution No. 754 by Senators Finney and Herron.
Memorials, Sports -- Lin Dunn.

Senate Joint Resolution No. 755 by Senators Herron and Finney.
Memorials, Death -- Morgan Elizabeth Kelley.

Senate Joint Resolution No. 756 by Senator Kelsey.
General Assembly, Statement of Intent or Position -- Expresses general assembly's strong opposition to public investments in companies operating in Iran.

Senate Joint Resolution No. 757 by Senator Yager.
Memorials, Recognition -- Barbara Anthony.

Senate Joint Resolution No. 758 by Senator Yager.
Memorials, Professional Achievement -- Clint Etherton, 2009 Forrest Purcer Award.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 774, 775, 778 through 780, 783 and 784**; and **Senate Joint Resolution No. 752** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 774 -- Memorials, Recognition -- Fred Jones, Jr.

The Speaker announced that he had referred House Joint Resolution No. 774 to the Committee on Calendar.

House Joint Resolution No. 775 -- Memorials, Recognition -- Women Airforce Service Pilots (WASP) of World War II.

The Speaker announced that he had referred House Joint Resolution No. 775 to the Committee on Calendar.

House Joint Resolution No. 778 -- Memorials, Death -- Danny Roy Price.

The Speaker announced that he had referred House Joint Resolution No. 778 to the Committee on Calendar.

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House Joint Resolution No. 779 -- Memorials, Recognition -- Rodney Leon Brasfield.

The Speaker announced that he had referred House Joint Resolution No. 779 to the Committee on Calendar.

House Joint Resolution No. 780 -- Memorials, Academic Achievement -- Sarah Catherine Thornton, John W. Harris Leadership Award.

The Speaker announced that he had referred House Joint Resolution No. 780 to the Committee on Calendar.

House Joint Resolution No. 783 -- Memorials, Recognition -- Dr. John W. Lacey III, 2009 Health Care Hero.

The Speaker announced that he had referred House Joint Resolution No. 783 to the Committee on Calendar.

House Joint Resolution No. 784 -- Memorials, Recognition -- Bobby Rush.

The Speaker announced that he had referred House Joint Resolution No. 784 to the Committee on Calendar.

Senate Joint Resolution No. 752 -- Budget Procedures -- Authorizes transmittal of budget document by close of business on Monday, February 8, 2010.

The Speaker announced that he had referred Senate Joint Resolution No. 752 to the Committee on Calendar.

NOTICES

AMENDMENT TO THE AMENDMENTS OF THE TENNESSEE COURT RULES OF CIVIL PROCEDURE

The report was received and filed with the clerk.

THE DEPARTMENT OF HEALTH'S ANNUAL REPORT ON BLOCK GRANTS

The report was received and filed with the clerk.

THE DEPARTMENT OF HUMAN SERVICES' ANNUAL REPORT ON BLOCK GRANTS

The report was received and filed with the clerk.

CONSENT CALENDAR

Senate Joint Resolution No. 733 -- Memorials, Professional Achievement -- Matthew Marlatt, Milken Family Foundation National Educator Award.

Senate Joint Resolution No. 734 -- Memorials, Recognition -- Kenneth C. Hill.

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Senate Joint Resolution No. 735 -- Memorials, Sports -- Harley "Skeeter" Swift, Tennessee Sports Hall of Fame.

Senate Joint Resolution No. 736 -- Memorials, Recognition -- Vietnam Veterans of America Chapter 240 Sumner County, Order of the Horse Award.

Senate Joint Resolution No. 738 -- Memorials, Heroism -- 267th Military Police Company, Tennessee Army National Guard.

Senate Joint Resolution No. 739 -- Memorials, Recognition -- James Westbrook, Jr.

Senate Joint Resolution No. 740 -- Memorials, Recognition -- Trenton Special School District, Board of Distinction Award.

Senate Joint Resolution No. 741 -- Memorials, Recognition -- Glen Leven Presbyterian Church, 120th anniversary.

Senate Joint Resolution No. 742 -- Memorials, Death -- Bob Battle.

Senator Faulk moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Gresham, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 1899 -- Milk, Dairy Products -- As introduced, enacts the "Dairy Farmers Prosperity Act". Amends TCA Title 44 and Title 53.

On motion, Senate Bill No. 1899 was made to conform with **House Bill No. 1360**.

On motion, House Bill No. 1360, on same subject, was substituted for Senate Bill No. 1899.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section to the bill as amended by Senate Commerce, Labor & Agriculture Committee Am. #1 (# 831734) and by renumbering the subsequent section accordingly:

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Senator Black moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting Section 6 of the bill as amended by Senate Commerce, Labor & Agriculture Committee Am. #1 (# 831734) in its entirety and by substituting instead the following:

SECTION 6. "Tennessee prime milk" sold at retail shall meet the following standards:

(1) Reduced fat milk shall contain at least ten percent (10%) milk solids not fat (SNF);

(2) Non-fat or skim milk shall contain at least nine percent (9%) milk solids not fat (SNF);

(3) Whole milk shall contain at least eight and one-half percent (8.5%) milk solids not fat (SNF);

(4) Milk set out in subdivisions (1) – (3) shall only contain milk or any other product that is produced in the United States; and

(5) Milk set out in subdivisions (1) – (3) shall only be packaged, bottled or processed in the United States.

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 1360**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	0
Present, not voting . . .	2

Senators voting aye were: Barnes, Beavers, Berke, Black, Burchett, Burks, Faulk, Finney, Gresham, Haynes, Herron, Johnson, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators present and not voting were: Bunch and Kelsey--2.

A motion to reconsider was tabled.

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MOTION

Senator Norris moved that the Proposed Schedule for the week of February 8, 2010, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
106th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF FEBRUARY 8, 2010**

MONDAY – February 8

5:00 p.m. Session – Senate Chamber

TUESDAY – February 9

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 11:30 a.m.	Environment, Conservation & Tourism Committee
11:30 a.m. – 12:30 p.m.	Transportation Committee
12:30 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 3:00 p.m.	Commerce, Labor & Agriculture Committee
3:00 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – February 10

8:30 a.m.	Session – Senate Chamber
10:00 a.m. – 12:00 noon	State & Local Government Committee
12:00 noon – 1:00 p.m.	Lunch
1:00 p.m. – 2:30 p.m.	Education Committee
2:30 p.m. – 3:30 p.m.	Government Operations Committee
3:30 p.m. – 5:00 p.m.	General Welfare, Health & Human Resources Committee

THURSDAY – February 11

9:00 a.m. Session – Senate Chamber

NOTE: Select Committee on Children and Youth, Monday, February 8, 2010, at 1:00 p.m., in 30 LP.

Pre-Commerce meeting, Tuesday, February 9, 2010, at 7:30 a.m., on the 2nd floor of the Capitol, in the Library/Lounge across from the Senate Chamber.

MOTION

On motion of Senator Tracy, his name was added as sponsor of **Senate Joint Resolution No. 733**.

On motion of Senator Overbey and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 735**.

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On motion of Senators Tracy, Beavers and Kyle, their names were added as sponsors of **Senate Joint Resolution No. 736**.

On motion of Senators Herron, Tracy, Berke and Barnes, their names were added as sponsors of **Senate Joint Resolution No. 738**.

On motion of Senator Finney, his name was added as sponsor of **Senate Joint Resolution No. 739**.

On motion of Senator Herron, his name was added as sponsor of **Senate Joint Resolutions Nos. 740 and 741**.

On motion of Senator Haynes, his name was added as sponsor of **Senate Joint Resolution No. 742**.

On motion of Senators Barnes, Berke, Black, Burchett, Burks, Finney, Gresham, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 1899**.

ENGROSSED BILLS

February 3, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 733, 734, 735, 736, 738, 739, 740, 741 and 742; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 3, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 773, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 3, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 794 and 795, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

February 3, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 728, 729, 730, 731 and 732; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 3, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1257, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 3, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 681, 683, 684, 685, 686, 687, 689, 691, 692, 693, 694, 696, 697, 700, 701, 702, 703, 704, 706, 707, 709, 710, 712, 713, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 743 and 751; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, February 4, 2010, which motion prevailed.